

REMARKS

Claims 1-20 are pending. Reconsideration and allowance are respectfully requested in view of the below comments.

The Examiner rejects claims 1-19 under 35 U.S.C. §103(a) as being unpatentable over Kamada, et al (U.S. Patent No. 6,118,389); and claim 20 under 35 U.S.C. §103(a) as being unpatentable over Kamada, et al. in view of Kishigami, et al. (U.S. Patent No. 5,908,464). These rejections are respectfully traversed.

Claim 1 recites, *inter alia*, a route guiding means which extracts intersections existing on the route searched by said route searching means and calculates a distance from the present position to each of the intersections, a display means which displays the route searched by said route searching means and further displays the distance to each intersection and a name of each intersection extracted by said route guiding means.

In the response to arguments presented with Applicant's Reply dated August 26, 2003, the Examiner states that the feature of "guiding means which extract intersections existing on the route searched by the route searching means and calculates a distance from the present position of the vehicle to each of the intersections", as recited in the independent claims is not disclosed within the Kamada reference but would be obvious to one of ordinary skill in view of the features recited in column 5, lines 49-50 and column 3, lines 49-50. Applicant respectfully disagrees.

Kamada teaches an automobile navigation system which includes the ability to set a detour for a route to a desired destination. Kamada's system requires that a user enter the destination point. A route is then calculated from the starting point to the destination point along the route, a detour route may be calculated if desired. Further aspects of Kamada's system provide a guidance generator which provides spoken instructions for each intersection upon the route, for example whether to turn left or right at the intersection. The system of Kamada does not teach or suggest extracting intersection information on the routes and then calculating a distance from the present position of the vehicle to teach of the instructed intersections, as claimed in the present invention. Thus, Kamada fails to teach or suggest all the claimed limitations as required.

The features within column 5 of Kamada disclose the use of a guidance generator 67 which determines an instruction to be followed by the driver in a determined route at each navigated intersection. Thus, prior to reaching a specific intersection, the guidance generator determines the spoken instructions that must be given to the driver, for example, whether to turn left or right at that intersection. This is calculated just prior to reaching the next navigated intersection. See column 5, lines 24-64. Nowhere does this section of Kamada teach or suggest the feature of guiding means which extract intersections existing on the route searched by the route searching means and

calculates a distance from the present position of the vehicle to each of the intersections, as claimed.

The Examiner appears to be relying upon “other information” and the disclosure in column 5 of Kamada to provide both the teaching or suggestion of applicants claimed feature noted above and the motivation to combine the feature with Kamada’s system. First, the calculated spoken navigation information for each of the intersections provided in the system of Kamada does not teach or suggest the extraction of various intersections existing on a route searched and provide identifying information for each of these intersections and the distances from the present position to each of these intersections as provided in the present invention.

Second, it is unclear to applicant how the disclosure of “other information” on the display panel teaches or suggests the use of the specific feature in applicant’s invention of extracting intersection information and displaying that specific information and also a calculation of distances from a present position to each of these intersections. The term “other information” is not all inclusive and thus cannot arbitrarily be used to indicate that anything can be displayed in the system of Kamada including the features of applicant’s claimed invention. To include the features of applicant’s invention under the guise of “other information” it must first be shown that the features of applicant’s invention existed in the prior art. The Examiner has failed to provide a reference or teaching that illustrates the features of applicant’s

claimed invention. Also, there must be some suggestion within the reference themselves or within the general knowledge of one of ordinary skill to combine the known prior art teachings with the system disclosed in Kamada to achieve applicant's invention. Nowhere in Kamada does it teach such a suggestion.

Third, the fact that the Examiner has failed to provide a reference that teaches the features of the present invention illustrates that one of ordinary skill would not be motivated based on the teachings of Kamada's reference to modify the system of Kamada to achieve applicant's invention. The mere use of "other information" is not proper motivation. Further, the fact that the Examiner has not provided any reference that would suggest that applicant's claimed features were known prior to the present invention and combinable with Kamada's teachings, leads one to conclude that the rejection is based on impermissible hindsight.

The Examiner cites *in re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971), which states "it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper", to support the Examiner's arguments. However, the Examiner has not abided by the McLaughlin decision as the Examiner has failed to establish the knowledge of one of ordinary skill in the

art at the time of the invention as it pertains to “extracting intersection information on a route searched and then calculating a distance from the present position of the vehicle to each of the extracted intersections” as recited in applicant’s claims. Again, the mere assertion of “other information” used in a display device does not constitute the knowledge of one of ordinary skill to use extracted intersection information and the calculation of a distance for a present position to each of the intersections.

To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references, or references when combined, must teach or suggest all the claim limitations. (MPEP 2143)

The Examiner has failed to satisfy the requirements for obviousness type rejection. Obviousness is a question of law based on findings of underlying facts relating to a prior art, the skill of the artisan, and objective considerations. *In re Dance*, 160 F.3d 1339, 1342 (Fed. Cir. 1998); *Graham v. John Deere Co.*, 383 U.S. 1, 17, 86 S.Ct. 684 15 L.Ed.2d 545, 148 USPQ 459, 467 (1966). The Examiner has presented no facts to support a finding that the specific claimed features of the present invention are taught, let alone to provide proper motivation to combine Kamada’s teachings to include the

teachings of the present invention. The Examiner has only provided mere assertions that the disclosure of “other information” in Kamada includes the features of the present invention absent from the system of Kamada. Mere assertions are hardly concrete facts which are necessary to support a proper rejection under 35 U.S.C. §103.

Further, Kishigami, et al. fails to make up for the deficiencies in Kamada. Kishigami provides a system that display current traffic conditions based on a vehicle position. Kishigami neither teaches or suggest extracting intersection information and providing distance information for each intersection based on a current vehicle position as presently claimed.

In view of the above, applicant respectfully submits that the rejection under 35 U.S.C. §103 are improper. Accordingly, applicant respectfully requests reconsideration and withdrawal of the rejections.

### Conclusion

For at least these reasons, it is respectfully submitted that claims 1-20 are distinguishable over the cited patents. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings (Reg. No. 48,917) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment(s)